

State of Illinois 91st General Assembly Final Senate Journal

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[Nov. 30, 1999]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

59TH LEGISLATIVE DAY

TUESDAY, NOVEMBER 30, 1999

12:00 O'CLOCK NOON

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Dan Seibert, First United Methodist Church,
Springfield, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, November 16, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, November 17, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, November 18, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was

ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

The 1998 Annual Report and Financial Summaries, State of Illinois, Comprehensive Health Insurance Plan, submitted by the Department of Insurance in accordance with the Comprehensive Health Insurance Plan Act (215 ILCS 105/1 et seq.).

The 1998 Annual Report of the Interstate Insurance Receivership Compact Commission submitted by the Department of Insurance.

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A report on the American Bottoms Regional Ground-Water Flow Model submitted by the Department of Natural Resources.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 4 to House Bill 1175

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 1144

REPORT FROM STANDING COMMITTEE

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **House Bill No. 539** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

MOTIONS IN WRITING

Senator Bowles submitted the following Motion in Writing:

I move that **House Bill 523** do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 30, 1999

Evelyn M. Bowles
Senator

Senator Radogno submitted the following Motion in Writing:

I move that **House Bill No. 1165** do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 30, 1999

Christine Radogno
Senator

Senator Obama submitted the following Motion in Writing:

I move that **House Bill 1232** do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 18, 1999

Barack Obama
Senator

Senator Watson submitted the following Motion in Writing:

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I move that **House Bill 1261** do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 30, 1999

Frank Watson
Senator

Senator R. Madigan submitted the following Motion in Writing:

I move that **House Bill 1325** do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 17, 1999

Robert Madigan
Senator

Senator Jacobs submitted the following Motion in Writing:

I move that **House Bill 1723** do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 30, 1999

Denny Jacobs
Senator

Senator Hawkinson submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 421** in manner and form as follows:

AMENDMENT TO HOUSE BILL 421
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 421 on page 4, by replacing lines 1 and 2 with the following:

"particular case. The final order in all cases shall state the support level"; and

on page 4, by replacing line 8 with the following:

"support in addition to a specific dollar"; and

on page 4, by replacing lines 10 and 11 with the following:

"determine and enforce, on a timely basis, the applicable support ordered."

Date: November 30, 1999

Carl Hawkinson
Senator

Senator Fawell submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 427** in manner and form as follows:

AMENDMENT TO HOUSE BILL 427

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 427 on page 24, by replacing lines 26 through 29 with the following:

"be employed by the owner or operator of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Nothing in this Section is"; and

on page 32, line 19, by changing "Director" to "Governor"; and

on page 33, line 28, by changing "Director" to "Governor"; and

on page 35, by replacing line 2 with "appointed by January 1, 2001"; and

on page 35, line 3, by deleting "March 1, 2000"; and

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on page 35, line 6, by changing "Director" to "Governor"; and

on page 36, line 4, by changing "Director" to "Governor"; and

on page 58, by replacing lines 31 through 33 with the following:

"Section 199. Effective date. This Act takes effect on January 1, 2001."; and

on page 59, by deleting line 1.

Date: November 16, 1999

Beverly Fawell
Senator

Senator Dudycz submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 526** in manner and form as follows:

AMENDMENT TO HOUSE BILL 526

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 526 on page 4, line 4, by inserting:

"and employees of the Illinois Department of Corrections" after "enforcement officers"; and

on page 4, by inserting between lines 6 and 7 the following:

"(d) The interception, recording, or transcription of an electronic communication by an employee of the Illinois Department of Corrections is not prohibited under this Act, provided that the interception, recording, or transcription is:

(1) otherwise legally permissible under Illinois law;

(2) conducted with the approval of the Illinois Department of Corrections for the purpose of investigating or enforcing a State criminal law or a Department rule or regulation with respect to persons committed to the Department; and

(3) within the scope of the employee's official duties.";

and

on page 4, by inserting after line 19 the following:

"Section 99. Effective date. This Act takes effect on January 1, 2000.".

Date: November 30, 1999

Walter Dudycz
Senator

Senator Obama submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 721** in manner and form as follows:

AMENDMENT TO HOUSE BILL 721

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 721 on page 1, by inserting between lines 20 and 21 the following:

"(c) This Section does not grant a court-appointed guardian any additional authority to consent to specific mental health services than is permitted by the Mental Health and Developmental Disabilities Code."

Date: November 29, 1999

Barack Obama
Senator

Senator Luechtefeld submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1366** in manner and form as follows:

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AMENDMENT TO HOUSE BILL 1366

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1366 on page 4, line 17, by replacing "or ~~and~~" with "and".

Date: November 30, 1999

David Luechtefeld
Senator

Senator Maitland submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1383** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1383

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1383 on page 6, line 12, by inserting the following between the words "State." and "The":

"Prior to the Wireless Enhanced 9-1-1 Board setting any surcharge, the Board shall publish the proposed surcharge in the Illinois Register, hold hearings on the surcharge and the requirements for an efficient wireless emergency number system, and elicit public comment. The Board shall determine the minimum cost necessary for implementation of this system and the amount of revenue produced based upon the number of wireless telephones in use. The Board shall set the surcharge at the minimum amount necessary to achieve the goals of the Act and shall, by July 1, 2000, file this information with the Governor, the Clerk of the House, and the Secretary of the Senate."; and

on page 6, line 15, by replacing "January 1" with "July 1"; and

on page 6, line 22, by replacing "Upon" with "The Board, upon"; and

on page 6, line 23, by replacing "filing its report, the Board" with the following:

"completion of all its duties required under this Act,"; and

on page 6, line 30, by inserting the following after the word "State.":

"No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the surcharge imposed by a unit of local government pursuant to Section 45.".

Date: November 29, 1999

John Maitland
Senator

Senator Rauschenberger submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1388** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1388

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1388 as follows:

on page 2, lines 21 and 22, by replacing "a non-owned vehicle liability endorsement in the form of insurance" with "liability insurance coverage extending to the employee when the assigned vehicle is used for other than official State business"; and

on page 3, line 3, by replacing "non-owned vehicle liability endorsement" with "automobile liability insurance coverage as required in item (c)(i)"; and

on page 3, by inserting between lines 8 and 9 the following:

"All peace officers employed by a State agency who are primarily

responsible for prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this State, and prohibited by agency rule or policy to use an assigned vehicle owned

or leased by the State for regular personal or off-duty use, are exempt from the requirements of this Section."

Date: November 29, 1999

Steven Rauschenberger
Senator

Senator Fawell submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1676** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1676

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1676 as follows:

on page 2, line 20, delete "Right" and replace with "Duty"; and
on page 5, line 6, delete "(b)" and replace with "(d)(2)"; and
on page 5, lines 10 and 11, delete ", whether the operator is found guilty or not"; and

on page 5, below line 28, insert the following:

"(g) This Section shall not be applied, construed, or implemented in any manner inconsistent with, or in conflict with, any provision of the federal motor carrier safety regulations."; and
on page 5, line 30, delete "January" and insert "July".

Date: November 30, 1999

Beverly Fawell
Senator

Senator Weaver submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1766** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1766

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1766 on page 3, by replacing line 34 with the following:

"paid, subject to appropriation, from the Academic Improvement Trust Fund for".

Date: November 30, 1999

Stanley B. Weaver
Senator

Senator Petka submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1816** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1816

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1816 on page 2, by replacing lines 30 through 34 with the following:

"(10) To those SHOCAP committee members who fall within the meaning of "state and local officials and authorities", as those terms are used within the meaning of the federal Family Educational Rights and Privacy Act, for the purposes of identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section

that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act."; and

on page 6, by replacing lines 17 through 21 with the following:

"(10) To those SHOCAP committee members who fall within the meaning of "state and local officials and authorities", as those terms are used within the meaning of the federal Family Educational Rights and Privacy Act, for the purposes of identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act."

Date: November 30, 1999

Ed Petka
Senator

Senator Syverson submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1832** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1832

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1832 on page 10, below line 4, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law."

Date: November 30, 1999

Dave Syverson
Senator

Senator Trotter submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 2005** in manner and form as follows:

AMENDMENT TO HOUSE BILL 2005

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 2005 on page 1, by deleting all of the underlined language in lines 23 through 31; and on page 2, by deleting all of the underlined language in lines 1 through 5.

Date: November 18, 1999

Donne Trotter
Senator

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME**

House Bill No. 849, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1936, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2920, sponsored by Senator Welch was taken up,

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read by title a first time and referred to the Committee on Rules.

INTRODUCTION OF A BILL

SENATE BILL NO. 1284. Introduced by Senator Sullivan, a bill for AN ACT to amend the Voluntary Payroll Deductions Act of 1983 by changing Section 3.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

At the hour of 12:30 o'clock p.m., Senator Dudycz presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 226

Offered by Senator Demuzio and all Senators:
Mourns the death of Dominic P. Rolando of Gillespie.

SENATE RESOLUTION NO. 227

Offered by Senator Demuzio and all Senators:
Mourns the death of Philip M. Klutznick of Chicago.

SENATE RESOLUTION NO. 228

Offered by Senators Lightford, E. Jones, del Valle, Shaw, Smith, Clayborne, Hendon, Obama, Trotter and all Senators:

Mourns the death of Betty Louise Beauchamp, mother of Representative Wanda J. Sharp.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senators Syverson, Rauschenberger, DeLeo, Bomke, O'Daniel, Burzynski, Viverito, Cronin, Clayborne, Dillard, Donahue, Dudycz, Fawell, Karpiel, R. Madigan, Mahar, Myers, Noland, Peterson, Petka, Philip, T. Walsh and Watson offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 229

WHEREAS, In 1996, the federal government relinquished its responsibility in the \$50 pass through program with the passage of

the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

WHEREAS, The State of Illinois led the nation in electing to continue the \$50 pass through at a cost to the State of Illinois of \$8.9 million in FY99; and

WHEREAS, Federal law requires Illinois to send 50% of child support collected on behalf of families receiving TANF to the federal government to compensate for Medicaid and other federal programs provided to the families; and

WHEREAS, This policy restricts Illinois' ability to manage and redistribute child support collections; and

WHEREAS, The federal government has provided to Wisconsin a waiver with respect to Wisconsin's obligation to pay the federal share of child support collections, allowing the state to pass through 100% of child support collected on behalf of TANF recipients to those recipients; and

WHEREAS, Maintaining State control of child support collections would enable Illinois to pass through a greater amount of collections to TANF recipients, thus aiding in the goal of moving families from

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welfare to self-sufficiency; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to revise the distribution of collected child support as required under 42 USC 657(a)(1) so as to remove disincentives placed on states that wish to establish pass through programs; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor, members of the Illinois congressional delegation, the Secretary of the Department of Human Services, and the Director of the Department of Public Aid.

Senator Watson offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 46

WHEREAS, Public Act 91-491 amended the School Code by adding Section 22-26, which creates the Task Force on School Safety and is scheduled to be repealed on January 2, 2000; and

WHEREAS, Additional time is needed to carry out the work of the task force, and additional persons have requested appointment to the task force; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE CONCURRING HEREIN, that, beginning on January 3, 2000, there is created the Task Force on School Safety consisting of 2 members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the Minority Leader of the Senate, 2 members of the House of Representatives appointed by the Speaker of the House, one member of the House of Representatives appointed by the Minority Leader of the House, 2 regional superintendents of schools appointed by the State Superintendent of Education, one teacher who is a member of the Illinois Federation of Teachers and appointed by the State Superintendent of Education, one teacher who is a member of the Illinois Education Association and

appointed by the State Superintendent of Education, one member of the Illinois Sheriffs' Association appointed by the Governor, one member of the State's Attorneys Association appointed by the Governor, one member of the Illinois Public Defenders Association appointed by the Governor, one member of the Illinois Violence Prevention Authority appointed by the Governor, one member appointed by the Governor, one member of the Illinois Principals Association appointed by the Illinois Principals Association, 2 superintendents of school districts appointed by the State Superintendent of Education, one member of the Office of the Illinois Attorney General appointed by the Attorney General, one member of the Illinois Association of Chiefs of Police appointed by the Governor, one member of the Department of State Police appointed by the Governor, and the State Superintendent of Education or the State Superintendent of Education's designee; and be it further

RESOLVED, That any appointments made under Section 22-26 of the School Code to fill any of the positions mentioned in this resolution shall carry over and remain in effect for the purpose of this resolution; and be it further

RESOLVED, That the task force shall meet initially at the call of the Speaker of the House and the President of the Senate, shall select one member as chairperson at its initial meeting, shall thereafter meet at the call of the chairperson, shall identify and review all school safety programs offered by schools and State agencies and make recommendations of successful programs, including without limitation peer mediation, shall study alternative education programs and their current status, waiting lists, and capital needs, shall, in cooperation with the State Board of Education, develop

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uniform criteria to be implemented in school safety plans, shall make recommendations on the streamlining, centralization, and coordination of school safety resources and programs offered by various entities, agencies, and government units, and shall submit a report on its findings and recommendations to the General Assembly and the Governor by July 1, 2000; and that upon filing its report the task force is dissolved; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, the Minority Leader of the House, the Governor, the State Superintendent of Education, the Illinois Principals Association, and the Attorney General.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its November 30, 1999 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Revenue: **Motion to concur with House Amendment 1 to Senate Bill No. 1144.**

Senator Weaver, Chairperson of the Committee on Rules, to which

was referred **House Bill No. 567**, on May 8, 1999, pursuant to Rule 3-9(a), reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Senator Weaver, Chairperson of the Committee on Rules, to which was referred **House Bill No. 1124**, on April 27, 1999, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Amendment No. 4 to House Bill 1175

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Senate Resolution has been approved for consideration:

Senate Joint Resolution No. 46

The foregoing resolution was placed on the Secretary's Desk - Resolutions.

MOTION IN WRITING

Senator Cronin submitted the following Motion in Writing:

I move to accept the specific recommendations of the Governor as to **House Bill 1762** in manner and form as follows:

AMENDMENT TO HOUSE BILL 1762 IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

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Amend House Bill 1762 on page 1, line 14, by changing "shall ~~may~~" to "may"; and
on page 6, by replacing lines 15 through 20 with the following:

"(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender ~~he~~ committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act."; and

on page 7, by deleting lines 23 through 34; and
on page 8, by deleting lines 1 through 4.

Date: November 30, 1999

Dan Cronin

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

HOUSE BILL RECALLED

On motion of Senator Dillard, **House Bill No. 1175** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Rules

Floor Amendment No. 3 was held in the Committee on Judiciary.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 1175, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to crime."; and

by replacing everything after the enacting clause with the following:

"Section 1. Purpose and intent.

(a) In *People v. Wooters*, Docket No. 83595, the Illinois Supreme Court declared that Public Act 89-203 violates the single subject rule of the Illinois Constitution (ILCON Art. IV, Sec. 8) by including certain provisions relating to mortgage foreclosure in a bill otherwise relating to crime.

(b) It is the purpose of this Act to re-enact the provisions relating to crime that were included in Public Act 89-203.

(c) Section 11-6 of the Criminal Code of 1961 is not included in this Act because the provisions added to that Section by Public Act 89-203 were removed by Public Act 91-226.

(d) Subsection (c) has been added to Section 5-1120 of the Counties Code in order to validate county actions taken in reliance on that Section as included in Public Act 89-203.

(d) This Act is not intended to supersede any other Public Act of the 91st General Assembly that amends a Section included in this Act, and it is not intended to limit or impair any legal argument relating to the re-enactment of any of the provisions of Public Act 89-203 by any other Public Act.

Section 5. The Counties Code is amended by adding Section 5-1120 as follows:

(55 ILCS 5/5-1120 new)

Sec. 5-1120. Juvenile delinquency programs.

(A) The corporate authorities of a county may:

(a) Conduct programs and carry on and coordinate activities for the prevention, reduction, or control of juvenile delinquency

within the county;

(b) Cooperate, coordinate, or act jointly with the State of Illinois or any other county, municipality, or public or private agency in conducting programs and carrying on and coordinating activities for the prevention, reduction, or control of juvenile delinquency, including but not limited to the establishment,

support, and maintenance of individual or joint public or private agencies or neighborhood accountability boards to conduct the programs and carry on the activities in cooperation with law enforcement officers through referral of juvenile offenders;

(c) Spend county funds appropriated for the purposes of this Section; and

(d) Make application for, accept, and use money, financial grants, or contributions of services from any public or private source made available for the purposes of this Section.

(B) All officials, agencies, and employees of a county that has exercised the authority granted by this Section shall cooperate in so far as possible with the corporate authorities in coordinating and conducting activities and programs to carry out the purposes of this Section.

(C) All otherwise lawful actions taken and expenditures made before the effective date of this amendatory Act of the 91st General Assembly in reliance on the provisions of this Section included in Public Act 89-203 are hereby validated.

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-208.1 and 11-501 as follows:

(625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

Sec. 6-208.1. Period of statutory summary alcohol, other drug, or intoxicating compound related suspension.

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of:

1. Six months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration, pursuant to Section 11-501.1; or

2. Three months from the effective date of the statutory summary suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, pursuant to Section 11-501.1; or

3. Three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or

4. One year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1 or any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances

Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) Following a statutory summary suspension of the privilege to drive a motor vehicle under Section 11-501.1, full driving privileges shall be restored unless the person is otherwise disqualified by this Code. If the court has reason to believe that the person's driving privilege should not be restored, the court shall notify the Secretary of State prior to the expiration of the statutory summary suspension so appropriate action may be taken pursuant to this Code.

(c) Full driving privileges may not be restored until all applicable reinstatement fees, as provided by this Code, have been paid to the Secretary of State and the appropriate entry made to the driver's record.

(d) Where a driving privilege has been summarily suspended under Section 11-501.1 and the person is subsequently convicted of violating Section 11-501, or a similar provision of a local ordinance, for the same incident, any period served on statutory summary suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-205.

(e) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may, after at least 30 days from the effective date of the statutory summary suspension, issue a judicial driving permit as provided in Section 6-206.1.

(f) Subsequent to an arrest of a first offender, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, following a statutory summary suspension of driving privileges pursuant to Section 11-501.1, for a first offender, the circuit court may issue a court order directing the Secretary of State to issue a judicial driving permit as provided in Section 6-206.1. However, this JDP shall not be effective prior to the 31st day of the statutory summary suspension.

(g) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender, as defined in Section 11-500 and such person refused or failed to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1, the Secretary of State may ~~shall not may, after at least 6 months from the effective date of the statutory summary suspension,~~ issue a restricted driving permit if at least 2 years have elapsed since the effective date of the statutory summary suspension.

(h) Following a statutory summary suspension of driving privileges pursuant to Section 11-501.1 where the person was not a first offender as defined in Section 11-500 and such person submitted to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1, the Secretary of State may, after at least 90 days from the effective date of the statutory summary suspension, issue a restricted driving permit.

(Source: P.A. 90-43, eff. 7-2-97; 90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff. 7-29-99.)

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or

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combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3) and ~~paragraph~~ (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory minimum fine of \$500 and a mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16 ~~16 years of age or younger~~. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to a mandatory minimum fine of \$500 and 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16 ~~16 years of age or younger~~. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1,

paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this

paragraph (1).

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 3 years for a violation of subparagraph (A), (B) or (D) of paragraph (1) of this subsection (d) and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d). For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency

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response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 30 days community service or, beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the \$100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related

criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97; 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357, eff. 7-29-99.)

Section 15. The Criminal Code of 1961 is amended by changing Sections 11-6.5 and 32-10 as follows:

(720 ILCS 5/11-6.5)

Sec. 11-6.5. Indecent solicitation of an adult.

(a) A person commits indecent solicitation of an adult if the person:

(1) Arranges for a person 17 years of age or over to commit an act of sexual penetration as defined in Section 12-12 with a person:

(i) Under the age of 13 years; or

(ii) Thirteen years of age or over but under the age of 17 years; or

(2) Arranges for a person 17 years of age or over to commit an act of sexual conduct as defined in Section 12-12 with a person:

(i) Under the age of 13 years; or

(ii) Thirteen years of age or older but under the age of 17 years.

(b) Sentence.

(1) Violation of paragraph (a)(1)(i) is a Class X felony.

(2) Violation of paragraph (a)(1)(ii) is a Class 1 felony.

(3) Violation of paragraph (a)(2)(i) is a Class 2 felony.

(4) Violation of paragraph (a)(2)(ii) is a Class A misdemeanor.

(c) For the purposes of this Section, "arranges" includes but is not limited to oral or written communication and communication by telephone, computer, or other electronic means. "Computer" has the meaning ascribed to it in Section 16D-2 of this Code.

(Source: P.A. 88-165.)

(720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

Sec. 32-10. Violation of bail bond.

(a) Whoever, having been admitted to bail for appearance before any court of this State, incurs a forfeiture of the bail and willfully fails to surrender himself within 30 days following the date of such forfeiture, commits, if the bail was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, a felony of the next lower Class or a Class A misdemeanor if the underlying offense was a Class 4 felony; or, if the bail was given in connection with a charge of committing a misdemeanor, or for appearance as a witness, commits a misdemeanor of the next lower Class, but not less than a Class C misdemeanor.

(a-5) Any person who violates a condition of bail bond by possessing a firearm in violation of his or her conditions of bail commits a Class 4 felony for a first violation and a Class 3 felony for a second violation.

(b) Whoever, having been admitted to bail for appearance before

any court of this State, while charged with a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, knowingly violates a condition of that release as set forth in Section 110-10, subsection (d) of the Code of Criminal Procedure of 1963, commits a Class A misdemeanor.

(c) Whoever, having been admitted to bail for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on such release, must appear before the court before bail is statutorily set.

(d) Nothing in this Section shall interfere with or prevent the exercise by any court of its power to punishment for contempt. Any sentence imposed for violation of this Section shall be served consecutive to the sentence imposed for the charge for which bail had been granted and with respect to which the defendant has been convicted.

(Source: P.A. 88-430; 88-680, eff. 1-1-95.)

Section 20. The Unified Code of Corrections is amended by changing Sections 5-5-6, 5-6-3, and 5-8-1 as follows:

(730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

Sec. 5-5-6. In all convictions for offenses in violation of the Criminal Code of 1961 in which the person received any injury to their person or damage to their real or personal property as a result of the criminal act of the defendant, the court shall order restitution as provided in this Section. In all other cases, except cases in which restitution is required under this Section, the court must at the sentence hearing determine whether restitution is an appropriate sentence to be imposed on each defendant convicted of an offense. If the court determines that an order directing the offender to make restitution is appropriate, the offender may be sentenced to make restitution. If the offender is sentenced to make restitution the Court shall determine the restitution as hereinafter set forth:

(a) At the sentence hearing, the court shall determine whether the property may be restored in kind to the possession of the owner or the person entitled to possession thereof; or whether the defendant is possessed of sufficient skill to repair and restore property damaged; or whether the defendant should be

required to make restitution in cash, for out-of-pocket expenses, damages, losses, or injuries found to have been proximately caused by the conduct of the defendant or another for whom the defendant is legally accountable under the provisions of Article V of the Criminal Code of 1961.

(b) In fixing the amount of restitution to be paid in cash, the court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant; and after

granting the credit, the court shall assess the actual out-of-pocket expenses, losses, damages, and injuries suffered by the victim named in the charge and any other victims who may also have suffered out-of-pocket expenses, losses, damages, and injuries proximately caused by the same criminal conduct of the defendant, and insurance carriers who have indemnified the named victim or other victims for the out-of-pocket expenses, losses, damages, or injuries, provided that in no event shall restitution be ordered to be paid on account of pain and suffering. If a defendant is placed on supervision for, or convicted of, domestic battery, the defendant shall be required to pay restitution to any domestic violence shelter in which the victim and any other family or household members lived because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any other services for the victim and any other family or household members living at the shelter. If a defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of a defendant to the extent necessary to satisfy the order of restitution and dispose of the property by public sale. All proceeds from such sale in excess of the amount of restitution plus court costs and the costs of the sheriff in conducting the sale shall be paid to the defendant. The defendant convicted of domestic battery, if a person under 18 years of age who is the child of the offender or of the victim was present and witnessed the domestic battery of the victim, is liable to pay restitution for the cost of any counseling required for the child at the discretion of the court.

(c) In cases where more than one defendant is accountable for the same criminal conduct that results in out-of-pocket expenses, losses, damages, or injuries, each defendant shall be ordered to pay restitution in the amount of the total actual out-of-pocket expenses, losses, damages, or injuries to the victim proximately caused by the conduct of all of the defendants who are legally accountable for the offense.

(1) In no event shall the victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages, or injuries, proximately caused by the conduct of all of the defendants.

(2) As between the defendants, the court may apportion the restitution that is payable in proportion to each co-defendant's culpability in the commission of the offense.

(3) In the absence of a specific order apportioning the restitution, each defendant shall bear his pro rata share of the restitution.

(4) As between the defendants, each defendant shall be entitled to a pro rata reduction in the total restitution required to be paid to the victim for amounts of restitution actually paid by co-defendants, and defendants who shall have paid more than their pro rata share shall be entitled to refunds to be computed by the court as additional amounts

are paid by co-defendants.

(d) In instances where a defendant has more than one criminal charge pending against him in a single case, or more than one case, and the defendant stands convicted of one or more charges, a plea agreement negotiated by the State's Attorney and the defendants may require the defendant to make restitution to victims of charges that have been dismissed or which it is contemplated will be dismissed under the terms of the plea agreement, and under the agreement, the court may impose a sentence of restitution on the charge or charges of which the defendant has been convicted that would require the defendant to make restitution to victims of other offenses as provided in the plea agreement.

(e) The court may require the defendant to apply the balance of the cash bond, after payment of court costs, and any fine that may be imposed to the payment of restitution.

(f) Taking into consideration the ability of the defendant to pay, the court shall determine whether restitution shall be paid in a single payment or in installments, and shall fix a period of time not in excess of 5 years, not including periods of incarceration, within which payment of restitution is to be paid in full. Complete restitution shall be paid in as short a time period as possible. However, if the court deems it necessary and in the best interest of the victim, the court may extend beyond 5 years the period of time within which the payment of restitution is to be paid. If the defendant is ordered to pay restitution and the court orders that restitution is to be paid over a period greater than 6 months, the court shall order that the defendant make monthly payments; the court may waive this requirement of monthly payments only if there is a specific finding of good cause for waiver.

(g) The court shall, after determining that the defendant has the ability to pay, require the defendant to pay for the victim's counseling services if:

(1) the defendant was convicted of an offense under Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, or was charged with such an offense and the charge was reduced to another charge as a result of a plea agreement under subsection (d) of this Section, and

(2) the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

The payments shall be made by the defendant to the clerk of the circuit court and transmitted by the clerk to the appropriate person or agency as directed by the court. The order may require such payments to be made for a period not to exceed 5 years after sentencing, not including periods of incarceration.

(h) The judge may enter an order of withholding to collect the amount of restitution owed in accordance with Part 8 of Article XII of the Code of Civil Procedure.

(i) A sentence of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentence to make restitution shall be revoked unless the court shall find that the offender has had the financial ability to make restitution, and he has wilfully refused to do so. When the

offender's ability to pay restitution was established at the time an order of restitution was entered or modified, or when the offender's ability to pay was based on the offender's willingness to make restitution as part of a plea agreement made at the time

the order of restitution was entered or modified, there is a rebuttable presumption that the facts and circumstances considered by the court at the hearing at which the order of restitution was entered or modified regarding the offender's ability or willingness to pay restitution have not materially changed. If the court shall find that the defendant has failed to make restitution and that the failure is not wilful, the court may impose an additional period of time within which to make restitution. The length of the additional period shall not be more than 2 years. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the conditions, and to revoke or further modify the sentence if the conditions of payment are violated during the additional period.

(j) The procedure upon the filing of a Petition to Revoke a sentence to make restitution shall be the same as the procedures set forth in Section 5-6-4 of this Code governing violation, modification, or revocation of Probation, of Conditional Discharge, or of Supervision.

(k) Nothing contained in this Section shall preclude the right of any party to proceed in a civil action to recover for any damages incurred due to the criminal misconduct of the defendant.

(l) Restitution ordered under this Section shall not be subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act.

(m) A restitution order under this Section is a judgment lien in favor of the victim that:

(1) Attaches to the property of the person subject to the order;

(2) May be perfected in the same manner as provided in Part 3 of Article 9 of the Uniform Commercial Code;

(3) May be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) Expires in the same manner as a judgment lien created in a civil proceeding.

When a restitution order is issued under this Section, the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

(n) An order of restitution under this Section does not bar a civil action for:

(1) Damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damages that is the basis of

restitution ordered by the court; and

(2) Other damages suffered by the victim.

The restitution order is not discharged by the completion of the sentence imposed for the offense.

A restitution order under this Section is not discharged by the liquidation of a person's estate by a receiver. A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.

The provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution entered under this Section.

(Source: P.A. 90-465, eff. 1-1-98; 91-153, eff. 1-1-00; 91-262, eff. 1-1-00; 91-420, eff. 1-1-00; revised 9-30-99.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;

(2) pay a fine and costs;

- (3) work or pursue a course of study or vocational training;
 - (4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
 - (5) attend or reside in a facility established for the instruction or residence of defendants on probation;
 - (6) support his dependents;
 - (7) refrain from possessing a firearm or other dangerous weapon;
 - (8) and in addition, if a minor:
 - (i) reside with his parents or in a foster home;
 - (ii) attend school;
 - (iii) attend a non-residential program for youth;
 - (iv) contribute to his own support at home or in a foster home; and
 - (9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The court shall determine the amount and conditions of payment;
 - (10) perform some reasonable public or community service;
 - (11) comply with the terms and conditions of an order of
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protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped

with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed

or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case

may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992, as a condition of supervision, a fee of \$25 for each month of supervision ordered by the court, unless after determining the inability of the person placed on supervision to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school

diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo

treatment at a substance abuse program approved by the court.

(m) The court shall require a defendant placed on supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance, as a condition of supervision, to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the defendant in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98; 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff. 1-1-99; 91-127, eff. 1-1-00.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Sentence of Imprisonment for Felony.

(a) Except as otherwise provided in the statute defining the offense, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, according to the following limitations:

(1) for first degree murder,

(a) a term shall be not less than 20 years and not more than 60 years, or

(b) if the court finds that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subsection (b) of Section 9-1 of the Criminal Code of 1961 are present, the court may sentence the defendant to a term of natural life imprisonment, or

(c) the court shall sentence the defendant to a term of natural life imprisonment when the death penalty is not imposed if the defendant,

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is a person who, at the time of the commission of the murder, had attained the age of 17 or more and is found guilty of murdering an individual under 12 years of age; or, irrespective of the defendant's age at the time of the commission of the offense, is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer or fireman when the peace officer or fireman was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer or fireman performing his official duties, and the defendant knew or should have known

that the murdered individual was a peace officer or fireman, or

(iv) is found guilty of murdering an employee of

an institution or facility of the Department of Corrections, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) is a person who, at the time of the commission of the murder, had not attained the age of 17, and is found guilty of murdering a person under 12 years of age and the murder is committed during the course of aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnaping, or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d) (i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(1.5) for second degree murder, a term shall be not less than 4 years and not more than 20 years;

33B of the Criminal Code of 1961, as amended, the sentence shall be a term of natural life imprisonment;

(2.5) for a person convicted under the circumstances described in paragraph (3) of subsection (b) of Section 12-13, paragraph (2) of subsection (d) of Section 12-14, paragraph (1.2) of subsection (b) of Section 12-14.1, or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961, the sentence shall be a term of natural life imprisonment;

(3) except as otherwise provided in the statute defining the offense, for a Class X felony, the sentence shall be not less than 6 years and not more than 30 years;

(4) for a Class 1 felony, other than second degree murder, the sentence shall be not less than 4 years and not more than 15 years;

(5) for a Class 2 felony, the sentence shall be not less than 3 years and not more than 7 years;

(6) for a Class 3 felony, the sentence shall be not less than 2 years and not more than 5 years;

(7) for a Class 4 felony, the sentence shall be not less than 1 year and not more than 3 years.

(b) The sentencing judge in each felony conviction shall set forth his reasons for imposing the particular sentence he enters in the case, as provided in Section 5-4-1 of this Code. Those reasons may include any mitigating or aggravating factors specified in this Code, or the lack of any such circumstances, as well as any other such factors as the judge shall set forth on the record that are consistent with the purposes and principles of sentencing set out in this Code.

(c) A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, the proponent of the motion shall exercise due diligence in seeking a determination on the motion and the court shall thereafter decide such motion within a reasonable time.

If a motion filed pursuant to this subsection is timely filed within 30 days after the sentence is imposed, then for purposes of perfecting an appeal, a final judgment shall not be considered to have been entered until the motion to reduce a sentence has been decided by order entered by the trial court.

A motion filed pursuant to this subsection shall not be considered to have been timely filed unless it is filed with the circuit court clerk within 30 days after the sentence is imposed together with a notice of motion, which notice of motion shall set the motion on the court's calendar on a date certain within a reasonable time after the date of filing.

(d) Except where a term of natural life is imposed, every

sentence shall include as though written therein a term in addition to the term of imprisonment. For those sentenced under the law in effect prior to February 1, 1978, such term shall be identified as a parole term. For those sentenced on or after February 1, 1978, such term shall be identified as a mandatory supervised release term. Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be as follows:

- (1) for first degree murder or a Class X felony, 3 years;
 - (2) for a Class 1 felony or a Class 2 felony, 2 years;
 - (3) for a Class 3 felony or a Class 4 felony, 1 year;
-

(4) if the victim is under 18 years of age, for a second or subsequent offense of criminal sexual assault or aggravated criminal sexual assault, 5 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic home detention program under Article 8A of Chapter V of this Code.

(e) A defendant who has a previous and unexpired sentence of imprisonment imposed by another state or by any district court of the United States and who, after sentence for a crime in Illinois, must return to serve the unexpired prior sentence may have his sentence by the Illinois court ordered to be concurrent with the prior sentence in the other state. The court may order that any time served on the unexpired portion of the sentence in the other state, prior to his return to Illinois, shall be credited on his Illinois sentence. The other state shall be furnished with a copy of the order imposing sentence which shall provide that, when the offender is released from confinement of the other state, whether by parole or by termination of sentence, the offender shall be transferred by the Sheriff of the committing county to the Illinois Department of Corrections. The court shall cause the Department of Corrections to be notified of such sentence at the time of commitment and to be provided with copies of all records regarding the sentence.

(f) A defendant who has a previous and unexpired sentence of imprisonment imposed by an Illinois circuit court for a crime in this State and who is subsequently sentenced to a term of imprisonment by another state or by any district court of the United States and who has served a term of imprisonment imposed by the other state or district court of the United States, and must return to serve the unexpired prior sentence imposed by the Illinois Circuit Court may apply to the court which imposed sentence to have his sentence reduced.

The circuit court may order that any time served on the sentence imposed by the other state or district court of the United States be credited on his Illinois sentence. Such application for reduction of a sentence under this subsection (f) shall be made within 30 days after the defendant has completed the sentence imposed by the other state or district court of the United States.

(Source: P.A. 90-396, eff. 1-1-98; 90-651, eff. 1-1-99; 91-279, eff.

1-1-00; 91-404, eff. 1-1-00; revised 10-14-99.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1175**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, **House Bill No. 1175** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None; Present 1.

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The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Shadid
Bomke	Halvorson	Maitland	Shaw
Bowles	Hawkinson	Mitchell	Sieben
Burzynski	Jacobs	Molaro	Silverstein
Clayborne	Jones, E.	Munoz	Smith
Cronin	Jones, W.	Myers	Sullivan
Cullerton	Karpiel	Noland	Syverson
DeLeo	Klemm	O'Daniel	Trotter
del Valle	Lauzen	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

The following voted present:

Hendon

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Syverson, **House Bill No. 539** having been

printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 539, AS AMENDED, by replacing the title with the following:

"AN ACT concerning lawn sprinkler systems."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Plumbing License Law is amended by changing Sections 2, 3, 19, 29.5, 30, and 42 and adding Sections 2.5, 2.6, and 16.1 as follows:

(225 ILCS 320/2) (from Ch. 111, par. 1102)

Sec. 2. When used in this Act:

"Agent" means a person designated by a sponsor as responsible for supervision of an apprentice plumber and who is also an Illinois licensed plumber.

"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the provisions of this Act.

"Approved apprenticeship program" means an apprenticeship program approved by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under rules.

"Board" means the Illinois State Board of Plumbing Examiners.

"Building drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to 5 feet beyond the foundation walls where it is connected to the

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building sewer.

"Building sewer" means that part of the horizontal piping of a drainage system that extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer or private sewage disposal system.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health.

"Governmental unit" means a city, village, incorporated town, county, or sanitary or water district.

"Irrigation contractor" means a person who installs or supervises the installation of lawn sprinkler systems subject to Section 2.5 of this Act, other than a licensed plumber or a licensed apprentice plumber.

"Lawn sprinkler system" means any underground irrigation system of lawn, shrubbery and other vegetation from any potable water sources; and from any water sources, whether or not potable, in: (i) any county with a population of 3,000,000 or more; (ii) any county with a population of 275,000 or more which is contiguous in whole or in part to a county with a population of 3,000,000 or more; and (iii) any county with a population of 37,000 or more but less than 150,000 which is contiguous to 2 or more counties with respective populations in excess of 275,000. "Lawn sprinkler ~~Such~~ system" includes without limitation the water supply piping, valves, and sprinkler heads or

other irrigation outlets, but does not include the backflow prevention device. "Lawn sprinkler system" does not include an irrigation system used primarily for agricultural purposes.

"Person" means any natural person, firm, corporation, partnership, or association.

"Plumber" means any licensed person authorized to perform plumbing as defined in this Act, but does not include retired plumbers as defined in this Act.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person.

"Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems and backflow prevention devices connected to lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble.

"Plumbing" includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems.

"Plumbing" includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.

"Plumbing" does not mean or include the trade of drain-laying, the trade of drilling water wells which constitute the sources of private water supplies, and of making connections between such wells and pumping units in the water supply systems of buildings served by such private water supplies, or the business of installing water softening equipment and of maintaining and servicing the same, or the business of manufacturing or selling plumbing fixtures, appliances, equipment or hardware, or to the installation and servicing of electrical equipment sold by a not-for-profit corporation providing electrification on a cooperative basis, that either on or before January 1, 1971, is or has been financed in whole or in part under the federal "Rural Electrification Act of 1936" and the Acts

amendatory thereof and supplementary thereto, to its members for use on farms owned by individuals or operated by individuals, nor does it mean or include minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or re-installation of any pipe or plumbing fixtures. Plumbing does not include the installation, repair, maintenance, alteration or extension of building sewers.

"Plumbing fixtures" means installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquids or liquid borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected.

"Plumbing system" means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections,

devices and appurtenances. "Plumbing system" does not include building sewers as defined in this Act.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of this Act and the requirements prescribed by Department rule to be licensed as a retired plumber and voluntarily surrenders his plumber's license to the Department, in exchange for a retired plumber's license. Retired plumbers cannot perform plumbing as defined in this Act, cannot sponsor or supervise apprentice plumbers, and cannot inspect plumbing under this Act. A retired plumber cannot fulfill the requirements of subsection (3) of Section 3 of this Act.

"Supervision" with respect to first and second year licensed apprentice plumbers means that such apprentices must perform all designing and planning of plumbing systems and all plumbing as defined in this Act under the direct personal supervision of the sponsor or his or her agent who must also be an Illinois licensed plumber, except for maintenance and repair work on existing plumbing systems done by second year apprentice plumbers; provided that before performing any maintenance and repair work without such supervision, such apprentice has received the minimum number of hours of annual classroom instruction recommended by the United States Department of Labor's Bureau of Apprenticeship and Training for apprentice plumbers in a Bureau of Apprenticeship and Training approved plumber apprenticeship program or its equivalent. "Supervision" with respect to all other apprentice plumbers means that, except for maintenance and repair work on existing plumbing systems, any plumbing done by such apprentices must be inspected daily, after initial rough-in and after completion by the sponsor or his or her agent who is also an Illinois licensed plumber. In addition, all repair and maintenance work done by a licensed apprentice plumber on an existing plumbing system must be approved by the sponsor or his or her agent who is also an Illinois licensed plumber.

"Sponsor" is an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license.

"Sponsored" means that each Illinois licensed apprentice plumber has been accepted by an Illinois licensed plumber or an approved apprenticeship program for apprenticeship training.

"Telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act.

(Source: P.A. 91-184, eff. 1-1-00.)

(225 ILCS 320/2.5 new)

Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

(a) Every irrigation contractor doing business in this State shall annually register with the Department. Every irrigation contractor shall provide to the Department his or her business name and address, telephone number, name of principal, and FEIN number. Every irrigation contractor doing business in this State shall also register with the Department each and every employee who installs or

supervises the installation of lawn sprinkler systems. The registration shall include the employee's name, home address, and telephone number. The Department may provide by rule for the administration of registrations under this subsection. The annual registration fee shall be set by the Department pursuant to the Section 30 of this Act.

(b) A licensed plumber or licensed apprentice plumber may install a lawn sprinkler system connected to any water source without registration under this Section.

(c) A licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically. A licensed plumber shall make the physical connection between a lawn sprinkler system and the backflow prevention device.

Upon the installation of every lawn sprinkler system in this State from the effective date of this amendatory Act of the 91st General Assembly forward, a licensed plumber shall affix to the backflow prevention device a tag certifying that the installation of that system has been completed in compliance with the minimum code of plumbing standards promulgated under this Act. The Department shall provide by rule for the registration of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly, including the means by which the Department shall be able to identify by registration number the identity of the responsible irrigation contractor and by license number the identity of the responsible licensed plumber. No lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly may be operated without the certification tag required under this Section.

The registered irrigation contractor and the licensed plumber whose identifying information is contained on the certification tag shall both be subject to the penalty provisions of this Act for violations for improper installation of a lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly.

(d) An irrigation contractor that has registered with the Department 7 or fewer persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least one licensed plumber who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. The licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 8 to 12 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 2 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 13 to 20 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 3 licensed plumbers who shall install or be

responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 21 to 28 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 4 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 29 to 35 persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 5 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

An irrigation contractor that has registered with the Department 36 or more persons who are authorized to install or supervise the installation of lawn sprinkler systems shall either employ or contract with at least 6 licensed plumbers who shall install or be responsible for the installation of every lawn sprinkler system installed after the effective date of this amendatory Act of the 91st General Assembly. A licensed plumber shall inspect the risers and sprinkler heads before backfilling.

The Department may provide by rule for the temporary waiver process for registered irrigation contractors who are unable to comply with the requirements of this subsection. When a temporary waiver is granted, it shall not be for a duration of more than 3 consecutive months. Upon the expiration of a temporary waiver issued by the Department, the registered irrigation contractor shall demonstrate that justifiable reasons exist why he or she is still unable to comply with the requirements of this subsection, despite good faith efforts to comply with the requirements. In no case shall a temporary waiver be granted for an irrigation contractor for more than a total of 6 months in a two-year period. In no case shall an irrigation contractor be relieved of the requirement that a licensed plumber shall inspect every sprinkler system installed by an irrigation contractor to ensure the provisions of this Section have been met and that the system works mechanically and make the physical connection between a sprinkler system and the backflow prevention device.

(e) No person shall attach to a lawn sprinkler system any fixture intended to supply water for human consumption.

No person shall attach to a lawn sprinkler system any fixture other than the backflow prevention device, sprinkler heads, valves, and other parts integral to the operation of the system, unless the fixture is clearly marked as being for non-potable uses only.

(f) This Section is repealed January 1, 2003, and all registrations under this Section terminate on that date.

(225 ILCS 320/2.6 new)

Sec. 2.6. Golf courses. A golf course with a lawn sprinkler system installed prior to the effective date of this amendatory Act of the 91st General Assembly may extend, relocate, or modify up to 200 linear yards of an existing lawn sprinkler system without being subject to the requirements of Section 2.5 of this Act. However, if the extension, relocation, or modification of an existing lawn sprinkler system involves a connection of the system to a back flow

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prevention device, a licensed plumber shall make the physical connection between the lawn sprinkler system and the back flow prevention device.

(225 ILCS 320/3) (from Ch. 111, par. 1103)

Sec. 3. (1) All planning and designing of plumbing systems and all plumbing shall be performed only by plumbers licensed under the provisions of this Act hereinafter called "licensed plumbers" and "licensed apprentice plumbers". The inspection of plumbing and plumbing systems shall be done only by the sponsor or his or her agent who shall be an Illinois licensed plumber. Nothing herein contained shall prohibit licensed plumbers or licensed apprentice plumbers under supervision from planning, designing, inspecting, installing, repairing, maintaining, altering or extending building sewers in accordance with this Act. No person who holds a license or certificate of registration under the Illinois Architecture Practice Act of 1989, or the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989 shall be prevented from planning and designing plumbing systems.

(2) Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single family residence, or the owner of a single family residence under construction for his or her occupancy, from planning, installing, altering or repairing the plumbing system of such residence, provided that (i) such plumbing shall comply with the minimum standards for plumbing contained in the Illinois State Plumbing Code, and shall be subject to inspection by the Department or the local governmental unit if it retains a licensed plumber as an inspector; and (ii) such owner, owner occupant or lessee occupant shall not employ other than a plumber licensed pursuant to this Act to assist him or her.

For purposes of this subsection, a person shall be considered an "occupant" if and only if he or she has taken possession of and is living in the premises as his or her bona fide sole and exclusive residence, or, in the case of an owner of a single family residence under construction for his or her occupancy, he or she expects to take possession of and live in the premises as his or her bona fide sole and exclusive residence, and he or she has a current intention to live in such premises as his or her bona fide sole and exclusive residence for a period of not less than 6 months after the completion of the plumbing work performed pursuant to the authorization of this subsection, or, in the case of an owner of a single family residence under construction for his or her occupancy, for a period of not less than 6 months after the completion of construction of the residence. Failure to possess and live in the premises as a sole and exclusive residence for a period of 6 months or more shall create a rebuttable presumption of a lack of such intention.

(3) The employees of a firm, association, partnership or corporation who engage in plumbing shall be licensed plumbers or licensed apprentice plumbers. At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, as the case may be, shall be a licensed plumber. A retired plumber cannot fulfill the requirements of this subsection (3).

Notwithstanding the provisions of this subsection (3), it shall be lawful for an irrigation contractor registered under Section 2.5 of this Act to employ or contract with one or more licensed plumbers in connection with work on lawn sprinkler systems pursuant to Section 2.5 of this Act.

(4) (a) A licensed apprentice plumber shall plan, design and install plumbing only under the supervision of the sponsor or his or her agent who is also an Illinois licensed plumber.

(b) An applicant for licensing as an apprentice plumber

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shall be at least 16 years of age and apply on the application form provided by the Department. Such application shall verify that the applicant is sponsored by an Illinois licensed plumber or an approved apprenticeship program and shall contain the name and license number of the licensed plumber or program sponsor.

(c) No licensed plumber shall sponsor more than 2 licensed apprentice plumbers at the same time. If 2 licensed apprentice plumbers are sponsored by a plumber at the same time, one of the apprentices must have, at a minimum, 2 years experience as a licensed apprentice. No licensed plumber sponsor or his or her agent may supervise 2 licensed apprentices with less than 2 years experience at the same time. The sponsor or agent shall supervise and be responsible for the plumbing performed by a licensed apprentice.

(d) No agent shall supervise more than 2 licensed apprentices at the same time.

(e) No licensed plumber may, in any capacity, supervise more than 2 licensed apprentice plumbers at the same time.

(f) No approved apprenticeship program may sponsor more licensed apprentices than 2 times the number of licensed plumbers available to supervise those licensed apprentices.

(g) No approved apprenticeship program may sponsor more licensed apprentices with less than 2 years experience than it has licensed plumbers available to supervise those licensed apprentices.

(h) No individual shall work as an apprentice plumber unless he or she is properly licensed under this Act. The Department shall issue an apprentice plumber's license to each approved applicant.

(i) No licensed apprentice plumber shall serve more than a 6 year licensed apprenticeship period. If, upon completion of a 6 year licensed apprenticeship period, such licensed apprentice plumber does not apply for the examination for a plumber's license and successfully pass the examination for a plumber's license, his or her apprentice plumber's license shall not be renewed.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who operate, maintain or repair a water or sewer plant facility which is owned or operated by such governmental unit or privately owned municipal water supplier to be licensed plumbers under this Act. In addition, nothing contained in P.A. 83-878 was intended by the General Assembly nor should it be construed to permit persons other than licensed plumbers to perform the installation, repair, maintenance or replacement of plumbing fixtures, such as toilet facilities, floor drains, showers and lavatories, and the piping attendant to those fixtures, within such facility or in the construction of a new facility.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who install, repair or maintain water service lines from water mains in the street, alley or curb line to private property lines and who install, repair or maintain water meters to be licensed plumbers under this Act if such work was customarily performed prior to the effective date of such Act by employees of such governmental unit or privately owned municipal water supplier who were not licensed plumbers. Any such work which was customarily performed prior to the

effective date of such Act by persons who were licensed plumbers or subcontracted to persons who were licensed plumbers must continue to be performed by persons who are licensed plumbers or subcontracted to persons who are licensed plumbers. When necessary under this Act, the Department shall make the determination whether or not persons who are licensed plumbers customarily performed such work.

(Source: P.A. 91-91, eff. 1-1-00.)

(225ILCS 320/16.1 new)

Sec. 16.1. Local ordinances; irrigation contractors.

(1) Any city, village, or incorporated town having a population of 500,000 or more may, by an ordinance containing provisions substantially the same as those in this Act with respect to the registration of irrigation contractors, provide for the registration of irrigation contractors within such city, village, or incorporated town. Upon the enactment of the ordinance, the provisions of this Act relating to irrigation contractors shall not apply within any such municipality except as otherwise provided herein.

(2) Any person registered as an irrigation contractor pursuant to such ordinance, or registered by the Department under this Act, may install or supervise the installation of lawn sprinkler systems anywhere in this State.

(3) Any municipality enacting an ordinance pursuant to this Section shall maintain a current record similar to that required of the Department by Section 2.5 of this Act, and shall provide the Department with a copy thereof. The Department shall be advised of changes in such record at least every 6 months.

(225 ILCS 320/19) (from Ch. 111, par. 1118)

Sec. 19. The Director, after notice and opportunity for hearing to the applicant, ~~or~~ license holder, or registrant, may deny, suspend, or revoke a license or registration in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Act or the standards, rules, and regulations established under this Act.

Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 20 days from the date of the mailing or service, within which time the applicant or license holder must request in writing a hearing. Failure to serve upon the Department a request for hearing in writing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as a hearing officer to conduct the hearing. The Director or hearing officer shall give written notice of the time and place of the hearing, by certified mail or personal service, to the applicant, ~~or~~ license holder, or registrant at least 10 days prior to the hearing. On the basis of the hearing, or upon default of the applicant, ~~or~~ license holder, or registrant, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the applicant, ~~or~~ license holder, or registrant. The decision of the Director shall be final on issues of fact and final in all respects unless judicial review is sought as provided in this Act.

The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer.

The Department at its expense shall provide a court reporter to

take testimony. Technical error in the proceedings before the Department or hearing officer or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the Court that such error or failure materially affects the rights of any party and results in substantial injustice to them.

The Department or hearing officer, or any parties in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for depositions in civil actions in courts of this State, and compel the attendance of witnesses and the production of books, papers, records, or memoranda.

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a judicial review proceeding, unless there is filed in the Court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Such cost shall be paid by the party requesting a copy of the record.

Failure on the part of the person requesting a copy of the record to pay the cost shall be grounds for dismissal of the action.

(Source: P.A. 87-885.)

(225 ILCS 320/29.5)

Sec. 29.5. Unlicensed practice; violation; civil penalty.

(a) A person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a plumber without being licensed under this Act, or as an irrigation contractor without being registered under this Act, shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a plumber without being licensed under this Act, or as an irrigation contractor without being registered under this Act.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had on the judgment in the same manner as a judgment from a court of record. All fines and penalties collected by the Department under this Section of the Act and accrued interest shall be deposited into the Plumbing Licensure and Program Fund for use by the Department in performing activities relating to the administration and enforcement of this Act.

(Source: P.A. 90-714, eff. 8-7-98.)

(225 ILCS 320/30) (from Ch. 111, par. 1129)

Sec. 30. (1) The Department shall, by rule, establish a schedule of fees for examination, registration, and licensure sufficient to offset a portion of the costs of administration and enforcement of this Act.

(2) The Department may, by rule, establish a schedule of fees for the publication and mailing of the Illinois State Plumbing Code.

(Source: P.A. 87-885.)

(225 ILCS 320/42)

Sec. 42. Home rule. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970 the power to regulate the licensing of plumbers, ~~and~~ the promulgation of a minimum plumbing code of standards, and the power to regulate the

registration of irrigation contractors shall, except as may otherwise be provided within and pursuant to the provisions of Section 16 and Section 16.1 of this Act, be exercised by the State and may not be exercised by any unit of local government, including home rule units.
(Source: P.A. 83-878.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the bill, as amended, was

ordered to a third reading.

LEGISLATIVE MEASURES FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 567

The following floor amendment to the Senate Resolution listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Joint Resolution 41

Senator Karpier asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 12:51 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 1:30 o'clock p.m., the Senate resumed consideration of business.

Senator Dudycz, presiding.

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to Motion in Writing filed and journalized earlier today, Senator Bowles moved that **House Bill No. 523** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 38; Nays 16; Present 1.

The following voted in the affirmative:

Bowles	Dudycz	Luechtefeld	Shadid
Burzynski	Geo-Karis	Maitland	Sieben
Clayborne	Halvorson	Mitchell	Silverstein
Cronin	Hendon	Molaro	Smith
DeLeo	Jacobs	Munoz	Syverson
del Valle	Jones, E.	Myers	Trotter
Demuzio	Jones, W.	O'Daniel	Viverito

Dillard	Karpiel	Peterson	Walsh, L.
Donahue	Lightford	Rauschenberger	Watson
			Weaver
			Mr. President

The following voted in the negative:

Bomke	Lauzen	Mahar	Radogno
Fawell	Link	Noland	Shaw
Hawkinson	Madigan, L.	O'Malley	Sullivan
Klemm	Madigan, R.	Parker	Welch

The following voted present:

Petka

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Senator T. Walsh asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 523**.

Pursuant to Motion in Writing filed and journalized earlier today, Senator Radogno moved that **House Bill No. 1165** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 51; Nays 2; Present 2.

The following voted in the affirmative:

Bomke	Hawkinson	Maitland	Sieben
Bowles	Hendon	Mitchell	Silverstein
Clayborne	Jacobs	Molaro	Smith
Cronin	Jones, E.	Munoz	Sullivan
DeLeo	Jones, W.	Myers	Syverson
del Valle	Karpiel	Noland	Trotter
Demuzio	Klemm	O'Daniel	Viverito
Dillard	Lightford	O'Malley	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
Geo-Karis	Madigan, R.	Rauschenberger	Welch
Halvorson	Mahar	Shadid	

The following voted in the negative:

Burzynski
Parker

The following voted present:

Lauzen

Shaw

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the

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contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 18, 1999 and journalized earlier today, Senator Obama moved that **House Bill No. 1232** do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 35; Nays 7; Present 14.

The following voted in the affirmative:

Berman	Hawkinson	Molaro	Shaw
Bowles	Hendon	Munoz	Silverstein
Clayborne	Jacobs	Noland	Smith
Cronin	Jones, E.	Obama	Sullivan
DeLeo	Lauzen	O'Daniel	Trotter
del Valle	Lightford	O'Malley	Viverito
Demuzio	Link	Parker	Walsh, L.
Geo-Karis	Madigan, L.	Radogno	Welch
Halvorson	Mitchell	Shadid	

The following voted in the negative:

Donahue	Klemm	Rauschenberger	Mr. President
Dudycz	Maitland	Watson	

The following voted present:

Bomke	Fawell	Luechtefeld	Peterson
Burzynski	Jones, W.	Madigan, R.	Petka
Dillard	Karpiel	Myers	Sieben
			Syverson
			Walsh, T.

This roll call verified.

Following the verification of the roll call, the Chair directed that the names of Senators Cullerton and Weaver having voted in the affirmative, be removed, as they were absent from the floor at the time of the verification.

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Ordered that the Secretary inform the House of Representatives thereof.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, immediately upon recess.

Senator Peterson, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400, Capitol Building, immediately upon recess.

At the hour of 2:15 o'clock p.m., the Chair announced that the

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Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:20 o'clock p.m., the Senate resumed consideration of business.

Senator Noland, presiding.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its November 30, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Education: **Senate Amendment No. 1 to Senate Joint Resolution 41; Senate Amendment No. 1 to House Bill 567.**

At the hour of 2:21 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:10 o'clock p.m., the Senate resumed consideration of business.

Senator Donahue, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bill No. 1202** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to

which was referred **House Bill No. 1120** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue, to which was referred the **Motion to concur with House Amendment No. 1 to Senate Bill No. 1144**, reported the same back with the recommendation that the motion be adopted.

Under the rules, the foregoing motion is eligible for consideration by the Senate.

At the hour of 3:12 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, December 1, 1999 at 10:00 o'clock a.m.